

INFORMATION SHEET
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE,
 INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID
 WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Detroit District January 6, 2006

FILE NUMBER: 05-101-000-0

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** N **Date:** November 3, 2005 (Y/N)
At the project Y **Date:** August 24, 2005 **site (Y/N)**

PROJECT LOCATION INFORMATION:

State: Indiana

County: Adams

Center coordinates of site by latitude & longitude coordinates: lat:40-49-6.6000 lon:84-56-56.8320

Approximate size of site/property (including uplands) in acres 64 acres

Name of waterway or watershed: Kohne No. 1 Ditch

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands				X					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION: **Preliminary** **Or Approved** **X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The delineation report and site inspection identified adjacent and isolated wetlands comprising 6.60 and 7.47 acres, respectively. In addition, approximately 1,773 linear feet of stream (Kohne No. 1 Ditch) was present within the project corridor. Thirteen of the wetlands were isolated and clearly separated from Kohne No. 1 Ditch by a distinct upland fields or natural berms. The isolated wetlands are not within the Corps' jurisdiction (SWANCC court decision). Sedimentation patterns, water stains on the fallen leaves, and the water stained tree trunks confirmed a hydrological connection between the remaining four wetlands and Kohne No. 1 Ditch. Subsequently, the four wetlands not considered isolated are within the Corps' jurisdiction. A Department of the Army permit is required for any proposed work in these adjacent wetlands.